IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6192 OF 2005

Amol Bhimrao Bodhale. ... Applicant.
Versus.
The State of Maharashtra. ... Respondent.

Shri K.B.Sonwalkar for the Applicant.

Shri K.V.Saste, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 28th Sept., 2005.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned A.P.P. for the State. The learned Advocate for the Applicant pointed out that in the F.I.R. registered by the prosecutrix on 10th June 2005 there is no specific allegation of commission of offence under section 376 of the Indian Penal Code made against the Applicant. However, the said allegation has been made in the supplementary statement recorded three days thereafter. He submitted that the medical report is against the prosecution and therefore, the Applicant is entitled to be enlarged on bail. The learned A.P.P. has placed on record the relevant material.

2. A perusal of the medical report of the prosecutrix shows that the same is not against the prosecution. In fact it supports the case made out by the prosecution to some extent. In the supplementary statement there is an

explanation given by the prosecutrix for not disclosing in her earlier statement the commission of offence under section 376 of the Indian Penal Code. It is stated that threats were given by the Applicant and his family members to her and her family members. As held by the Apex Court a different approach is required to be taken for appreciating the version of the prosecutrix and a broader view is required to be taken in such a matter without being swayed by minor contradictions. The age of the prosecutrix, primafacie, appears to be less than 16 years.

3. There is enough evidence on record to show the complicity of the Applicant in commission of the offence. Hence the Applicant is not entitled to be enlarged on bail. The Application is rejected. Liberty to the Applicant to apply to the Sessions Court for expeditious disposal of the case.

Judge.